

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
GREAT PLAINS REGION
DAKOTAS AREA OFFICE

Northwest Area Water Supply
Project Draft Environmental
Impact Statement on Water
Treatment

TRANSCRIPT OF
PUBLIC HEARING

Taken At
Best Western Ramkota
800 South Third Street
Bismarck, North Dakota
February 4, 2008

BEFORE MR. MARK ANDERSON
-- HEARING OFFICER --

C O N T E N T S

STATEMENTS BY

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1 (The proceedings herein were had and made
2 of record, commencing at 7:03 p.m., Monday,
3 February 4, 2008, as follows:)

4 (Presentation given by Alicia Waters.)

5 MR. ANDERSON: Thank you, Alicia. This
6 will now begin the formal public hearing part of
7 the program this evening. This hearing is being
8 held in accordance with the requirements of the
9 National Environmental Policy Act. A court
10 reporter is recording the proceedings, as you see
11 up here, and, as Alicia indicated this evening, we
12 will accept both oral or written comments. If you
13 want to submit written comments, there are some
14 forms on the back table and you can submit the
15 comments. You can leave them here tonight or you
16 can send them in. There's an address on here and
17 as she showed you on the slide.

18 I think those of you who want to speak
19 have filled out a speaker card. If any of you have
20 come in after and wish to speak and did not fill
21 out a card, we'd ask you to fill one out just so we
22 have a record of those who speak and we can
23 double-check the spellings and whatnot afterwards.

24 The hearing will proceed as follows: I'll
25 call speakers that have signed up in order, and

1 when it is your turn, if you would come up here and
2 face the audience at the podium. We ask that you
3 state your name and any affiliation and to speak
4 clearly so that she can be sure to record your
5 comments appropriately. If for some reason you do
6 not feel comfortable standing in front of -- I was
7 going to say a crowd, but that may be a --

8 UNIDENTIFIED SPEAKER: A gaggle.

9 MR. ANDERSON: -- a gaggle of people and
10 do want to give oral comments, you may after the
11 formal part of the hearing come up and give your
12 comments orally to the court reporter, if you
13 choose to do so.

14 So I will call up the speakers. We'll
15 first have government and tribal officials speak.
16 Again, when you come up, if you would state your
17 name and who you're representing, that would help
18 us for recordkeeping purposes. So our first
19 speaker this evening will be Lance Gaebe,
20 representing John Governor Hoeven.

21 MR. GAEBE: The Governor will be here
22 shortly. He, himself, is en route.

23 MR. ANDERSON: Okay. We'll slip him in.
24 So the next one is Adrienne Swallow, representing
25 the Standing Rock Sioux Tribe.

1 MS. SWALLOW: My name is Adrienne Swallow.
2 I'm an environmental protection specialist for the
3 Standing Rock Sioux Tribe. I'm here tonight to
4 submit an oral statement on behalf of the tribal
5 chairman, Ron His Horse Is Thunder, and the
6 Standing Rock Sioux Tribe.

7 The Standing Rock Sioux Tribe relies
8 exclusively on the Missouri River for its water.
9 Any depletion of this water upstream is a major
10 concern to us, primarily now because of the
11 drought. Because of low water levels, I'm sure
12 some of you know we, the Tribe, were without water
13 for ten days in November 2003. Low water levels
14 rendered our intake inoperable. This was very
15 expensive for the Tribe and caused a lot of
16 hardship for our members, and we hope that this
17 incident will not be repeated.

18 The Standing Rock Sioux Tribe does not
19 oppose this project as long as we receive the funds
20 necessary to complete the Standing Rock MR&I system
21 and to find a permanent solution for the Fort Yates
22 intake. Also, as you know, the 1986 Garrison
23 Diversion Unit Reformulation Act and the 2000
24 Dakota Water Resources Act also authorized our
25 projects, and we're concerned that resources are

1 going to be diverted away from our projects for
2 projects such as this.

3 In closing, we will be submitting
4 additional written comments before the deadline.
5 Thank you.

6 MR. ANDERSON: Thank you. Governor
7 Hoeven, would you like to make your statement now?

8 GOVERNOR HOEVEN: Thank you. Good evening
9 and thanks to the Bureau of Reclamation for the
10 opportunity to testify this evening on the draft
11 environmental impact statement for the NAWS
12 project. I want to thank everyone for coming this
13 evening. Dave Koland, Garrison Conservancy
14 District, good to see you here as well as, Bob,
15 good to see you, and our folks not only from Minot,
16 but from the State Water Commission and other
17 interested citizens. Good to have all of you here.

18 I have written remarks which I have
19 prepared, and I will submit those for the record,
20 and then would like to take just a few minutes to
21 make some additional comments, as well. And,
22 again, appreciate the opportunity provided by the
23 Bureau of Reclamation to comment on this draft
24 environmental impact statement.

25 The NAWS project was formulated about 20

1 years ago, and for the first 13 years of the
2 project development, very significant time and
3 effort was spent not only on developing the
4 concept, but also in making sure that it met the
5 environmental requirements, as well, not only here
6 in North Dakota and from a perspective of the
7 United States, but also as far as our neighbors to
8 the north in Canada.

9 So after 13 years of plan and study and
10 work on the project, seven years ago pursuant to an
11 environmental assessment -- completion of an
12 environmental assessment, we received approval from
13 the Bureau of Reclamation through a FONSI, finding
14 of no significant impact, and the Department of
15 Interior, Secretary of Interior, Gale Norton, to
16 proceed with construction of the NAWS project. And
17 so for the past seven years we have been
18 constructing the project and have made significant
19 progress on it.

20 The concept essentially involves taking
21 water from Lake Sakakawea on the south end and
22 piping it up to the community of Minot in an
23 enclosed pipe, and there it is fully treated before
24 the water is then utilized in Minot, Minot Air
25 Force Base, surrounding communities in the

1 northwest part of our state, as well as rural
2 areas. So all of the water is fully treated in the
3 community of Minot at their water treatment plant.
4 And, in fact, the community has even taken
5 additional steps to make sure that the water meets
6 any and all environmental concerns, including such
7 things as ultraviolet treatment, which was
8 something that came up in consultation with the
9 Province of Manitoba.

10 After we had begun construction of the
11 project and had a number of years of construction
12 underway, the Province of Manitoba came back and
13 said, well, in addition to the treatment
14 contemplated -- I shouldn't say contemplated -- in
15 addition to the treatment designed into the project
16 pursuant to the environmental assessment and
17 finding of no significant impact and the
18 negotiation for full treatment in the community of
19 Minot as well as ultraviolet treatment, they
20 requested additional -- or I should say full
21 treatment at source, meaning we would treat the
22 water at the Snake Creek Pumping Plant at the
23 Sakakawea site. So fully treat the water at the
24 point of water intake to put it in a pipeline to
25 take it to another treatment plant, which is still

1 50 miles south of Canada, and the rationale for
2 that was in case there might be a breach in the
3 pipe that you would in essence have full redundant
4 treatment both at source as well as in the
5 community of Minot before any of the water was
6 utilized in Minot or anywhere else in northwest
7 North Dakota.

8 The reality is the FONSI provides and the
9 plan that the Bureau put together provides sound
10 science to ensure that those risks are already
11 fully managed and mitigated, including making sure
12 that there is monitoring and other safeguards on
13 the pipe, so even in the event of a leak south of
14 Minot, which is still far south, of course, of
15 Canada, that it would be detected and immediately
16 remedied. Furthermore, for any water to percolate
17 through the soils to the Souris River obviously
18 would prevent any kind of risk posed in the
19 litigation brought by the Province of Manitoba in
20 regard to the NAWS project.

21 However, the Court in its findings has
22 indicated that in addition to the environmental
23 assessment, an environmental impact statement, full
24 EIS, should be done, and I understand that that's
25 what the Bureau has done and they've brought

1 forward their four alternatives. Those
2 alternatives range from a cost of \$8 million all
3 the way up to \$90 million for treatment of the
4 water at source when it's drawn from Lake
5 Sakakawea.

6 I'll take just a few minutes to go through
7 the history of the project to point out several
8 things. First, the importance of the NAWS project.
9 This is a very important project to the State of
10 North Dakota and the people of North Dakota. This
11 is to provide drinking water -- a reliable drinking
12 water supply not only to the community of Minot and
13 the Minot Air Force Base, but to smaller
14 communities in rural areas throughout northwest
15 North Dakota so that people that live there can
16 have a dependable, clean supply of water -- potable
17 water, as well as to provide opportunity for growth
18 and development throughout the entire northwest
19 region of the state. It is an incredibly important
20 project to North Dakota and it is one that, as I
21 say, we have been working on for 20 years very
22 diligently to ensure that we do it right and we do
23 it well.

24 The environmental assessment provided
25 sound science, sound science that the Bureau of

1 Reclamation and the Department of Interior signed
2 off on. That science was sound at the time they
3 signed off on it seven years ago. It is sound
4 today. It does fully and properly protect the
5 environment as we absolutely want to be sure that
6 we do. These are now additional measures or
7 redundant measures over and above the
8 environmentally sound measures that are already
9 built into the project.

10 For that reason, we strongly urge the
11 Bureau of Reclamation to select option 1, the \$8
12 million option which provides additional
13 chlorination at site. Again, this is another level
14 of redundancy built into the system that we
15 certainly feel is not only adequate, but really
16 more than adequate because, again, the
17 environmental assessment and the finding of no
18 significant impact, the ruling of both the Bureau
19 and the Department of Interior, was that this
20 project was sound and it remains sound today. So
21 the first option, chlorination option, provides for
22 an additional \$8 million cost that is building in
23 additional redundancy over and above the existing
24 project. We strongly urge the Bureau to select
25 that option.

1 In the event that the Bureau selects one
2 of the other options, basic treatment, the
3 conventional treatment or the microfiltration, they
4 are building in redundancy, as I say, to the level
5 to a complete other water treatment plant.

6 If the Bureau decides to do that, they
7 also then need to commit to provide the funding to
8 construct the additional water plants now, and that
9 has to be part of this process. That is the only
10 fair way to handle this issue. The science was
11 sound then, the science is sound now. We are
12 making sure that we are providing the right
13 environmental protections.

14 If the additional redundancy is built into
15 the project so that you have two water plants
16 instead of one over and above all the other
17 features and protections, then, as I say, the
18 Bureau needs to be ready to fund the project, they
19 need to have that funding in place now so that
20 we're not further delayed in providing water to the
21 people that have been waiting for it and that are
22 depending on it.

23 At this point we've completed -- Michelle,
24 you may have to correct me here if I'm off track,
25 but we've completed the pipe, I believe, from Lake

1 Sakakawea to Minot. Minot has a full treatment
2 plant with ultraviolet radiation.

3 MS. KLOSE: Not yet.

4 GOVERNOR HOEVEN: Not yet. Will have,
5 which, again, was additional protection requested
6 and built into the project at the request of the
7 Province of Manitoba. Those things will be in
8 place.

9 We're already now starting to build
10 pipeline out to other beneficial users, so we need
11 to be able to move water so that we can utilize
12 this system which, as I say, has been in the
13 planning for about 13 years and has been under
14 construction now for seven years. It's very
15 important that the Bureau and the Department of
16 Interior and anyone else involved in looking at
17 this project understands that we now need to move
18 forward, and there is an absolute obligation on the
19 part of the Bureau of Reclamation to approach this
20 in a responsible way and make sure that they stand
21 by the sound science that they have provided from
22 the start, the careful planning that's been
23 provided from the start, and that they make sure
24 that as this decision is made, that they also
25 provide the funding necessary to move forward,

1 complete the project and deliver water to the
2 citizens of northwest North Dakota.

3 Thank you. I would be happy to address
4 any questions if anybody has some. If not, thank
5 you for the opportunity to testify.

6 MR. ANDERSON: Thank you, Governor, for
7 taking the time to be here. The next speaker will
8 be Michelle Klose, representing the North Dakota
9 State Water Commission.

10 MS. KLOSE: Good evening. I am Michelle
11 Klose, the NAWS project manager for the State Water
12 Commission. I'm representing the State Water
13 Commission and the office of the State Engineer.

14 The Northwest Area Water Supply Project is
15 an extremely important water supply project for the
16 communities in the northwest area of North Dakota.
17 The project will carry Missouri River water 45
18 miles through a closed pipeline to the Minot water
19 treatment plant. The last 21 miles of pipeline
20 crosses the Hudson Bay drainage basin. The Draft
21 NAWS EIS, in part, examines the level of treatment
22 prior to crossing into the Hudson basin.

23 The original environmental assessment was
24 challenged in Federal Court by the Province of
25 Manitoba. The Court determined there needed to be

1 additional analysis on potential impacts of the EA
2 preferred alternative, which is the No Action
3 Alternative in the EIS. The State Water Commission
4 believes the environmental impact statement
5 provides the public with extensive information on
6 the issues of invasive species, existing interbasin
7 transfers, primary pathways for invasive species,
8 and risks related to various levels of treatment
9 for biota. The draft EIS concludes the risk of
10 transferring invasive species through the NAWS
11 project, even with the lowest level of treatment,
12 is lower than the risk of invasive species moving
13 through other pathways. With the multiple barriers
14 in each of the four alternatives evaluated, the
15 additional risk of invasive species posed by the
16 NAWS project is negligible.

17 The State Water Commission has never
18 downplayed the effects of invasive species.
19 However, the State Water Commission is very
20 concerned how the low risk of transferring invasive
21 species has played out to delay an important water
22 supply project for the communities of Minot,
23 Berthold, Kenmare, Bottineau, Mohall, Westhope,
24 Sherwood, Souris, Columbus, Noonan, Bowbells, and
25 rural water systems of North Prairie Rural Water

1 District, All Seasons Rural Water District, and
2 Upper Souris Rural Water District.

3 With all of the treatment alternatives
4 examined in the draft EIS, the risk of transferring
5 any fish, plant, or organism that is visible to the
6 naked eye is virtually zero. Therefore, the EIS
7 focused on 12 algae, microorganisms, and disease
8 agents that could be potentially invasive or
9 represent unknown potentially invasive species. It
10 appears that only one of these invasive species is
11 currently in the Missouri drainage basin and not in
12 the Hudson Bay drainage basin. The others that
13 were in the Missouri basin have found their way to
14 the Hudson Bay through other pathways. The species
15 not yet found in the Hudson Bay Drainage is
16 Whirling disease. Whirling disease has not been
17 identified in North Dakota. There is a lack of the
18 secondary host in the Souris River for the disease
19 to complete its life cycle. The EIS states it's
20 highly unlikely that the protozoa causing Whirling
21 disease could complete its life cycle and cause
22 significant impact through the project.

23 International shipping is noted in the EIS
24 as a pathway through which some of the most
25 damaging invasive species have become established

1 in North America. The EIS describes the current
2 Coast Guard regulations, the United Nations
3 International Maritime Organization's unratified
4 treaty, and the proposed U.S. legislation to
5 address this pathway. International shipping is a
6 significant pathway between continents that will
7 continue to pose a higher risk for biological
8 invasions than existing or proposed water
9 transfers. The No Action Alternative in the NAWS
10 EIS has a significantly higher level of treatment
11 and protection from invasive species than any
12 proposed treatment for the shipping pathway.

13 The discussion on the No Action
14 Alternative in the EIS should include discussion on
15 the pipeline safeguards. The Missouri River water
16 would travel from the disinfection biota treatment
17 plant another 30 miles through a closed pipeline to
18 the Minot water treatment plant. The last 21 miles
19 of the trip would cross the Hudson Bay drainage
20 basin. The pipeline is buried seven and a half
21 feet below the ground surface, and includes
22 restrained joint pipe below the three coulees it
23 crosses between the divide and the Minot treatment
24 plant. The coulees only have intermittent stream
25 flows and are dry most of the year. The pipeline

1 will have telemetry and automatic controls, valves
2 and isolation vaults to shut down the system and
3 contain water prior to the coulees if there are any
4 problems or loss of pressure in the pipeline.

5 Another question often asked about NAWS is
6 the potential effect on the lake level when moving
7 40 cubic feet per second from Lake Sakakawea. The
8 original environmental assessment found the
9 additional withdrawal from NAWS would not be
10 measurable at or below Lake Sakakawea.

11 Thank you for the opportunity to provide
12 comments on the draft NAWS environmental impact
13 statement.

14 MR. ANDERSON: Thank you. The next
15 speaker is Alan Walter, representing the City of
16 Minot.

17 MR. WALTER: Thank you for the
18 opportunity. I'm Alan Walter. I'm the director of
19 public works for the City of Minot and I'm here
20 representing the city.

21 I'm here speaking in favor of the NAWS
22 project. We've been working on this, as the
23 Governor has said, for 20 years. I have been
24 involved with it since day one. I will be involved
25 with it for some more years. And I will be

1 presenting a written statement by February 26th to
2 the draft EIS. Thank you again for the opportunity
3 to be here.

4 MR. ANDERSON: Thank you for being here.
5 Patience, do you have any other comment cards? Is
6 there anyone else who wishes to provide testimony
7 at this hearing?

8 Seeing that there are none, we will
9 formally conclude the hearing. We appreciate you
10 all being here, especially with the weather the way
11 it is, and thank you for coming. Good evening.

12 (Concluded at 7:49 p.m., the same day.)

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1 CERTIFICATE OF COURT REPORTER

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3 I, Denise M. Andahl, a Registered
4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in
6 shorthand the foregoing proceedings had and made of
7 record at the time and place hereinbefore
8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the
10 foregoing typewritten pages contain an accurate
11 transcript of my shorthand notes then and there
12 taken.

13 Bismarck, North Dakota, this 12th day of
14 February, 2008.

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17 Denise M. Andahl
18 Registered Professional Reporter
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